

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA**

\* **DOCKET NO. 2:09-CR-131**

**v.**

\* **SECTION: “B”**

**RENE JIMENEZ-MARTINEZ**

\*

**a/k/a Rene Jimenze**

**a/k/a Rene Ramirez**

\*

**a/k/a Ildefonso Ortega**

**a/k/a Rene Jimenez**

\*

**a/k/a Rene Jimenez Martinez**

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**FACTUAL BASIS**

\_\_\_\_\_ Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

The Defendant, **RENE JIMENEZ-MARTINEZ** (hereinafter “**JIMENEZ-MARTINEZ**”) has agreed to plead guilty as charged to the one-count indictment charging him with illegal reentry of a deported alien in violation of Title 8, United States Code, Section 1326(a).

An Immigration and Customs Enforcement agent (the “agent”) would testify that on or about April 14, 2009, he encountered the defendant, **JIMENEZ-MARTINEZ**, during criminal alien

program duties in Jefferson Parish, in the Eastern District of Louisiana. Upon determining the defendant was illegally in the United States and upon his release from the custody of the State of Louisiana, the defendant was detained and arrested by an Immigration and Customs Enforcement agent.

The agent would testify that he conducted record checks through various Immigration and Customs Enforcement databases, which revealed that the defendant was a citizen of the Dominican Republic and illegally present in the United States.

Documentation from the records of Immigration and Customs Enforcement Alien file, including a Warrant of Removal/Deportation, complete with the defendant's fingerprints, photographs and signature, would demonstrate that the defendant, **JIMENEZ-MARTINEZ**, was removed from the United States to the Dominican Republic on about December 21, 1998, at or near Miami, Florida. A qualified Immigration and Customs Enforcement Fingerprint Specialist would testify that the fingerprints of the individual documented in the Alien file containing the Warrant of Removal/Deportation and the fingerprints of the defendant are the same. Documentation from the Alien file would further show that the defendant is an alien, and not a citizen or national of the United States.

A Certificate of Non-Existence of Record and testimony of the agent regarding record checks conducted through the Computer Linked Application Information Management System would show that the defendant, **JIMENEZ-MARTINEZ**, did not receive consent from the United States Attorney General or his designated successor, the Secretary of the Department of Homeland Security, to apply for readmission or receive permission to reenter the United States since the time of the defendant's previous removal.

Further, documents, court records and other admissible evidence would show that on or about October 6, 1992, in the Supreme Court of New York County, New York, the defendant, **JIMENEZ-MARTINEZ**, was convicted of criminal possession of a weapon in the third degree, a felony.

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ROBERT WEIR Special Assistant United States Attorney Mississippi Bar No. 101464	Date
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RENE JIMENEZ-MARTINEZ Defendant	Date
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VALERIE JUSSELIN Assistant Federal Public Defender LA Bar Roll No. 19825 Attorney for the Defendant	Date
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